

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY KASHIF TURNER,
Plaintiff,

v.
PENNSYLVANIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

CIVIL ACTION NO. 3:13-CV-2680

(Judge Kosik)

FILED
SCRANTON

OCT - 6 2014

ORDER

PER A

DEPUTY CLERK

AND NOW, THIS 6th DAY OF OCTOBER, 2014, IT APPEARING TO
THE COURT THAT:

- (1) On September 4, 2014, Plaintiff filed a "Motion to Leave to Amend to Add Additional Plaintiffs" (Doc. 70);
- (2) On September 12, 2014, the Magistrate Judge filed a Report and Recommendation (Doc. 73), wherein she recommended that Plaintiff's motion for permissive joinder of parties and for class certification (Doc. 70) be denied;
- (3) Specifically, as to the Fed. R. Civ. P. 20 (a)(1) permissive joinder of parties, the Magistrate Judge found that Plaintiff was not qualified to represent other named individuals, and that the other named individuals failed to sign any of the documents submitted by Plaintiff. As to the motion for class certification, the Magistrate Judge found that Plaintiff failed to meet the minimum requirements for class certification;
- (4) On October 3, 2014, Plaintiff filed a "Motion to Request for Filing Extension, Objection to Report and Recommendation, Amend to Add Additional Plaintiff's, To Request Appointment of Counsel" (Doc. 76);
- (5) Attached to Plaintiff's Motion are documents with signatures of other inmates;

(6) Because the issue of signatures of other inmates is one of the basis for the Magistrate Judge's findings and conclusions, we will adopt the Magistrate Judge's Report and Recommendation, in part, based on the record that existed at that time; however, we will remand the above-captioned action to the Magistrate Judge to consider the matters raised by Plaintiff in Document 76;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Karoline Mehalchick filed September 12, 2014 (Doc. 73) is **ADOPTED**, in part, based on the record that existed at that time; and

(2) The above-captioned action is **REMANDED** to the Magistrate Judge for further proceedings, including consideration of Plaintiff's filings in Document 76.



Edwin M. Kosik
United States District Judge